

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

QUINTON MCCOY,

Plaintiff,

v.

Case No: 8:23-cv-1975-CEH-SPF

DEPARTMENT OF EDUCATION,

Defendant.

ORDER

This cause comes before the Court on its Order, dated September 7, 2023 (Doc. 5). Because Plaintiff Quinton McCoy has neither complied with the Order nor requested additional time in which to do so, this action is due to be dismissed, without prejudice.

DISCUSSION

A district court may dismiss a plaintiff's claims pursuant to Rule 41(b) of the Federal Rules of Civil Procedure or the court's inherent authority to manage its docket. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Under Rule 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss this action or any claim against it." Fed. R. Civ. P. 41(b). The Eleventh Circuit has recognized that a district court may dismiss an action *sua sponte* for the plaintiff's failure to prosecute his case or obey a court order under Rule 41(b). *Betty K Agencies, Ltd.*, 432 F.3d at 1337.

On September 7, 2023, the Court issued an Order dismissing the complaint as a shotgun pleading and granting Plaintiff leave to file an amended complaint within fourteen days. Doc. 5. The Order cautioned Plaintiff that the failure to file an amended complaint within the time provided would result in dismissal of the action, without prejudice, and without further notice. To date, Plaintiff has neither filed an Amended Complaint nor requested additional time to do so.

Accordingly, it is hereby **ORDERED**:

1. This action is **DISMISSED, without prejudice.**
2. The Clerk of Court is directed to terminate all motions and deadlines and **CLOSE** this case.

DONE and **ORDERED** in Tampa, Florida on October 5, 2023.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties